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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,356	04/29/2004	Jeffrey P. Gifford	FIS920040034US1	3355
29371	7590	05/25/2005	EXAMINER	
CANTOR COLBURN LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			PATEL, RAMESH B	
			ART UNIT	PAPER NUMBER
			2121	
DATE MAILED: 05/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,356

Applicant(s)

GIFFORD ET AL.

Examiner

Ramesh B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. The claims and only the claims form the metes and bounds of the invention.
"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Specification

3. The abstract of the disclosure is objected to because the abstract contains 2 pages and includes the terms such as "Exemplary embodiments of the invention" are not appropriate for the language and/or format of the abstract. Correction is required. See MPEP § 608.01(b).

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4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Burney (US Patent 4,829,445).

As to claims 1, 11 and 17, Burney teaches the invention including a method, a storage medium and a system for facilitating a transport scheme in an automated material handling system environment, comprising: detecting an occurrence of a trigger event while monitoring production operations in an automated material handling system environment, wherein said trigger event being user-defined is taught as the Segments-in-Process (SIP) of materials are automatically routed through a material handling system by a distributed routing units under guidance of a host computer system and given tasks are sequentially performed such that the SIP is routed through the defined sequence to its destination and the SIP may be routed to its destination when the host computer system is off line or at fault (see, abstract and figures 1 and 3-6 and 10-13 and col. 7, lines 26-57); identifying a materials candidate to purge from a production line in response to said trigger event, production data captured relating to said materials

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candidate and user-defined criteria for purging materials from said production line (see, abstract and figures 1 and 10-14 and col. 4, lines 45-68); selecting a disposition plan for handling said materials candidate (see, figures 1 and 10-14 and col. 4, lines 45-68); generating a transport process job for said materials candidate operable for instructing said automated material handling system on executing said process plan (see, abstract and figures 1 and 10-14 and col. 4, lines 45-68 and col. 8, line 56 to col. 9, line 60) and transmitting said transport process job to said automated material handling system for execution (see, figures 1 and 10-14 and col. 4, lines 45-68).

As to claim 2, Burney teaches the method, the medium and the system further comprising updating production data to reflect activity conducted as a result of executed process jobs (see, abstract and figures 19-20 and col. 5, line 50 to col. 6, line 9).

As to claims 3, 12, Burney teaches the method, the medium and the system wherein said trigger event comprises at least one of a timestamp, a full stocker, a WIP level achieved, a product type, a process time and a throughput (see, abstract and figures 1 and 3-6 and 10-13 and col. 7, lines 26-57).

As to claims 4-6, 13-14 and 18-20, Burney teaches the method, the medium and the system wherein said captured production data includes: stocker identification, stocker load, stocker capacity and materials carried on said stocker, performance metrics for a stocker including at least one of relative throughputs, mean stocker cycle

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times for materials capacity, peak stocker cycle times for materials, stocker mean times between incidents, stocker availability and alarm condition relating to at least one of carrier drops, weight loads, contamination control and charge build up on carriers, manufacturing process steps utilized on production materials and status of production activities occurring within a production area (see, abstract and figures 7-12 and col. 10, lines 12-51).

As to claims 7 and 15, Burney teaches the method, the medium and the system wherein user defined criteria includes: an age of a product being manufactured, type of product being manufactured, a class of product being manufactured, priorities established for scheduled materials as set out in a production schedule, life span of materials in a production line and lots that have not been processed for a specified period of time (see, abstract and figures 1 and 3-6 and 10-13 and col. 7, lines 26-57).

As to claims 8 and 16, Burney teaches the method, the medium and the system wherein said disposition plan includes: scrapping materials identified in said materials candidate, transporting said materials candidate to remove storage location and transporting said materials candidate to an alternate production area (see, figures 1 and 10-14 and col. 4, lines 45-68).

As to claim 9, Burney teaches the method, the medium and the system further comprising: a user interface operable for defining said trigger event, said criteria and

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said disposition plan (see, abstract and figures 1 and 6-7 and 10-14 and col. 4, lines 45-68).

As to claim 10, Burney teaches the method, the medium and the system further comprising: parsing data reflecting to said materials candidate operable transforming said data into a format usable by said automated material handling system (see, abstract and figures 12-20 and col. 4, lines 45-68 and col. 5, line 50 to col. 6, line 9 and col. 7, line 62 to col. 8, line 27).

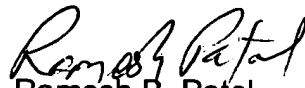
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh B. Patel whose telephone number is 571-272-3688. The examiner can normally be reached on M-Th; 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ramesh B. Patel
Primary Examiner
Art Unit 2121
1/24/05

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